

Submitted by LaToya McBean,
Marshall Clement representing the
Justice Center

JUSTICE REINVESTMENT IN MICHIGAN

Policy Options to Deter Crime, Lower Recidivism, and Reduce Spending on Corrections



This brief describes a range of policy options that the Council of State Governments Justice Center (Justice Center) has developed for Michigan policymakers. It tracks the findings outlined in a companion report, *Analyses of Crime, Community Corrections, and Sentencing Policies*. Both the report and this policy brief were developed in response to a request from Governor Jennifer M. Granholm, Senate Majority Leader Michael D. Bishop, and Speaker of the House Andy Dillon for intensive technical assistance to address the high rates of crime and victimization in Michigan and to reduce spending on corrections.

To guide the Justice Center's collection and analysis of data, the state leaders established a bipartisan, interbranch working group, the Justice Reinvestment Working Group. The working group agreed that whatever policies they decide to advance

should be consistent with the principles of justice reinvestment. In other words, to the extent policy changes effectively lower the Department of Corrections' budget, a portion of those savings should be reinvested in strategies that the working group has determined will reduce crime and strengthen communities.

The options in this policy framework draw heavily on the expertise and experience of the working group members and a diverse group of Michigan stakeholders, including local government officials and representatives of community-based organizations.¹ These options are not a finite set of recommendations; they are a range of data-driven options that Michigan's leaders should fully consider in partnership with a broad group of stakeholders to ensure that taxpayer dollars are being invested in efforts that will make communities safer and stronger while reducing corrections spending.

¹ During the initial meetings, the Justice Center and the working group agreed that any analyses and policy options related to the Department of Corrections' operations (such as labor management, where there might be opportunities for increased efficiencies) would be beyond the scope of the project. Additional policy options were discussed and considered during the working group process; however, policymakers concluded that the options offered in this brief were among the most likely to achieve consensus on reducing crime and victimization and generate significant savings given the current circumstances in Michigan.

Options for Michigan Policymakers

POLICY OPTION	POLICY DETAILS
Strategy 1: Deter Criminal Activity	
1A. Support local law enforcement's targeted crime-fighting strategies.	<ul style="list-style-type: none"> • Create and fund a demonstration grant program for local law enforcement agencies to design and deploy specific crime-fighting operations in partnership with local prosecutors and community and faith-based groups. Funds could support activities such as overtime, analysis of crime data, and police/community partnerships. • Direct the Michigan Department of Corrections (MDOC) to adapt the state's information system for supervising probationers and parolees to meet the needs of law enforcement.
1B. Reduce crime lab backlogs to speed investigations.	<ul style="list-style-type: none"> • Provide the Michigan State Police with additional resources to reduce significantly the delays in processing evidence. State funding should help cover the costs associated both with hiring and training additional staff and with outsourcing expenses while new staff is being trained.
1C. Increase employment opportunities for at-risk young adults.	<ul style="list-style-type: none"> • Target young adults who are disconnected from both school and work and are at-risk for criminal involvement and victimization. • Support, in partnership with private foundations, demonstration projects in communities with the highest percentages of disconnected young adults. Engage and provide an intensive set of education and employment opportunities to disconnected young adults in these communities.
Strategy 2: Lower Recidivism	
2A. Reduce rates of re-arrest among probationers.	<ul style="list-style-type: none"> • Improve risk assessment and data systems to allow probation officers to target supervision resources and interventions at high-risk probationers. • Assess the quality of community corrections programs. • Revise Michigan's Community Corrections Act to focus resources on probationers determined to be high-risk, as defined not simply by the offense committed, but by a validated risk instrument. • Provide local Community Corrections Advisory Boards with funds to target high-risk probationers with the goal of reducing re-arrest rates for this population by 10 percent.
2B. Respond to probation violations with swift, certain, and proportional sanctions.	<ul style="list-style-type: none"> • Establish pilot projects in jurisdictions where capacity in local jails is set aside to allow the application of short and swift jail stays in response to violations.
2C. Expand employment services for high-risk probationers/parolees.	<ul style="list-style-type: none"> • Target high-risk probationers returning from jail and parolees returning from prison to maximize reductions in recidivism. • Reinvest in pilot sites that will provide immediate transitional employment, including job placement services, case management, mentoring, and basic skill-building.

POLICY OPTION**POLICY DETAILS****Strategy 3: Reduce Spending on Corrections****3A.****Ensure that offenders in prison serve 100–120% of their court-imposed minimum sentence.***(Effective for those sentenced after April 1, 2009.)*

- Require that people sentenced to prison after the effective date of this policy serve *no less than 100% of their court-imposed minimum sentence and no more than 120% of that sentence.*
- Offenders who are serving sentences with a statutory maximum of life (see partial list of these offenses, p. 7) would *not* be affected by this policy.
- Direct the parole board to release offenders who have served 100% of their court-imposed minimum sentence except in cases where there is failure to complete required programs that are determined to reduce an offender's risk to public safety or institutional misconduct.
- Permit the parole board to hold an offender beyond 120% of their court-imposed minimum sentence in cases where the offender poses a very high risk of re-offending as determined by a validated risk assessment.

3B.**Limit time served on first parole revocation for condition violations.**

- Require people revoked for the first time from parole for condition violations to serve no more than 9 months in prison.
- Apply this policy to anyone admitted to prison after April 1, 2009, for their first parole revocation.

3C.**Ensure supervision for everyone released from prison.**

- Require offenders who have served 100% of their minimum sentence to be released at least 9 months prior to their statutory maximum sentence in order to ensure a period of intensive supervision in the community.

3D.**Continue the parole board's administrative actions to reduce the population that has served more than 100% of their minimum sentence.**

- During the last 6 months, the parole board has administratively taken steps to expand community-based options, utilize new risk assessments, and pursue other strategies to reduce the population currently in prison who have served 100 % of their court-imposed minimum sentence.
- If the parole board is able to continue pursuing these administrative options as they have for the past 6 months, the policies and practices will have an impact on the resulting prison population from the baseline projection.

Accountability Strategy

Charge a state agency, independent body, or outside organization with periodically assessing the implementation progress, the fiscal and public safety impact of these policies on various components of the state's overall criminal justice system, and the outcomes for people released from prison and under community supervision and the communities where they return.

Cost-Savings Analysis

The following analysis projects the impact of the policy options in strategy 3 on the base prison population projection if the policies are enacted by April 1, 2009. These projections assume no changes to current trends in prison admissions or to the criminal code. Cost savings are based on projected savings as calculated by the Michigan Department of Corrections that could be realized if the projections are accurate.

	2009	2010	2011	2012	2013	2014	2015
Base Prison Population Projection (See note on projections, p. 7)	48,638	48,456	48,712	48,749	48,757	48,944	49,081
Alternate Projection without SAI	48,638	49,537	50,617	50,370	50,378	50,565	50,702
3a: 100-120% of minimum sentence to be served	0	-65	-515	-1,606	-2,585	-3,544	-4,315
3b: Limit time served on first parole revocation	0	-34	-223	-270	-273	-260	-282
3c: Ensure supervision for all released from prison	0	-309	-674	-631	-386	-255	-284
3d: Parole board's administrative post-ERD reduction	-182	-876	-1,296	-	-	-	-
Combination 1: Resulting population from 3a + 3b	48,642	48,359	47,985	46,904	45,886	45,069	44,394
Combination 2: Resulting population from 3a + 3b + 3c	48,605	48,100	47,408	46,526	45,648	45,062	44,477
Combination 3: Resulting population from 3a + 3b + 3c + 3d	48,456	47,308	46,334	45,333	44,527	43,972	43,509
Estimated FY Savings According to MDOC from Combination 3 (Savings from FY2010 baseline.)	\$0	\$0*	\$15.6m	\$31.2m	\$62.4m	\$62.4m	\$90.7m

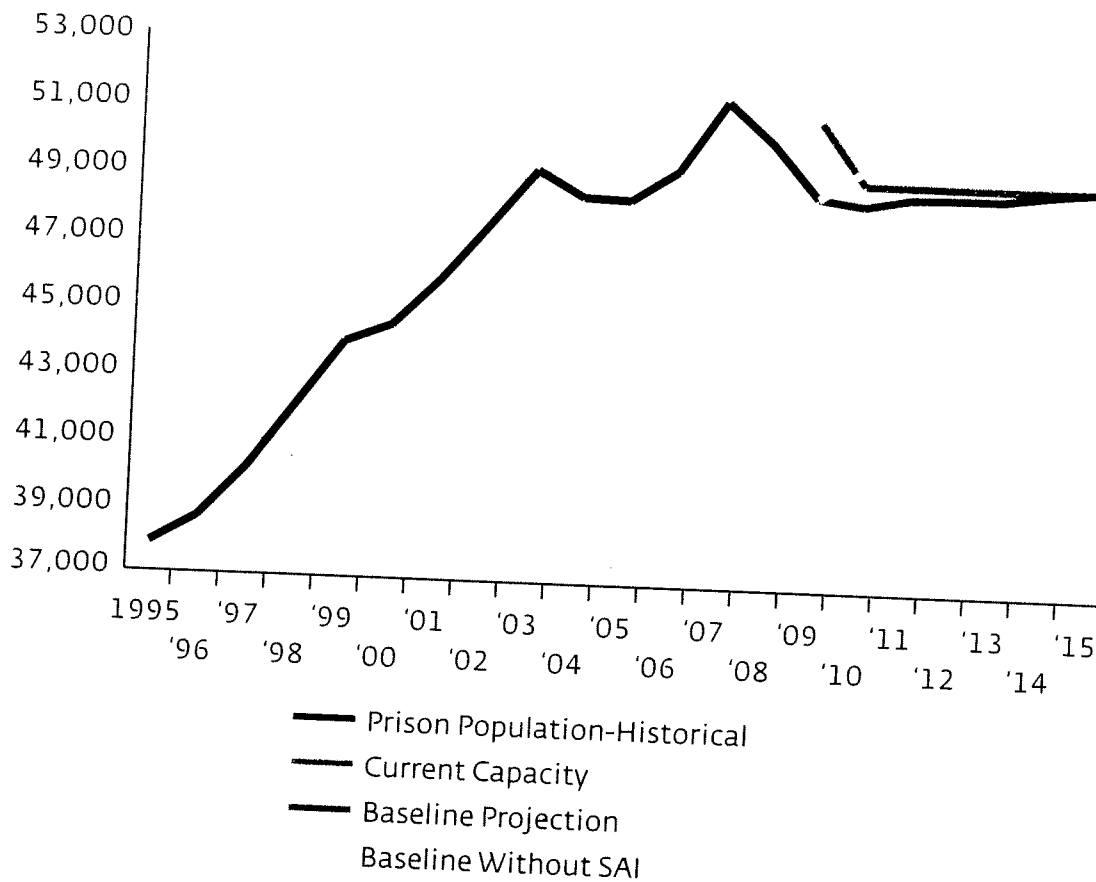
Reinvestment in Strategies 1, 2, and 3

Successful implementation of the policy options described in strategies 1, 2, and 3 depends on upfront and sustained reinvestment of a substantial portion of the projected savings.

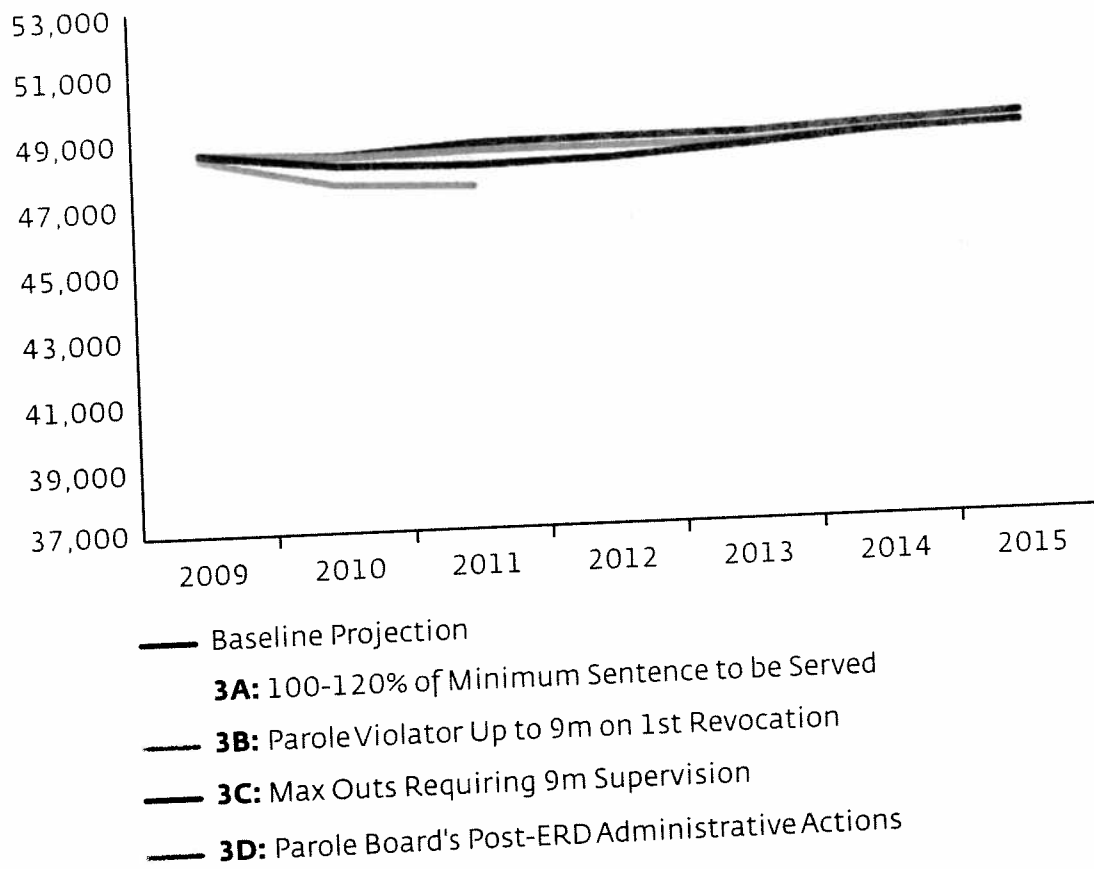
FY2011 - 2015 CUMULATIVE COST SAVINGS: \$262 million

*The Michigan Department of Corrections and the Parole Board have taken administrative measures to reduce the population currently in prison past their earliest release dates. Some of these measures include expanding community-based options and utilizing new risk assessments. These efforts were discussed and considered during the working group process and reflect a consensus understanding of their rationale and scope. As a result of these efforts, savings totaling \$16 million will be generated in the FY10 budget.

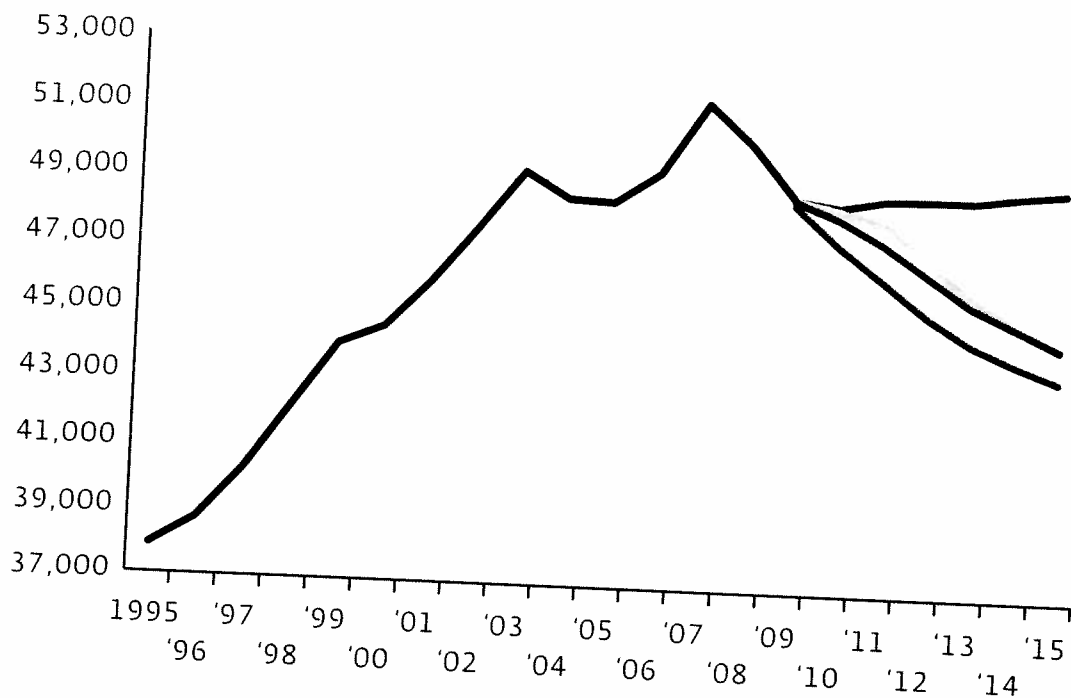
1995-2015: Past Prison Population, Current Capacity, Baseline Projection, and Alternate Projection Without SAI



2009-2015: Baseline Projection, Impact of Three Statutory Policy Options, and Administrative Post-ERD Reduction



1995-2015: Past Prison Population, Baseline Projection, and Three Combinations of Options



- Prison Population-Historical
- Baseline Projection
- **Combo #1:** 100-120% + Parole Violator
- **Combo #2:** 100-120% + Parole Violator + Max Out
- **Combo #3:** 100-120% + Parole Violator + Max Out + Parole Board's Post-ERD Action

Partial List of Criminal Offenses in Michigan with a Statutory Maximum Sentence of Life Imprisonment

Murder 1st Degree	Carjacking
Murder 2nd Degree	Assault with Intent to Murder
Attempted Murder	Assault with Intent to Rob While Armed
Kidnapping	Assault Pregnant Individual Causing Miscarriage/Stillbirth
Rape	Habitual Offender - 4th Offense
Criminal Sexual Conduct - 1st Degree	Bank Robbery / Safe Breaking
Criminal Sexual Conduct - 2nd Offense	Narcotic/Cocaine Possession 1,000 or More Grams
Armed Robbery	Controlled Substance - Attempt Felony

Note on Base and Alternate Prison Population Projection:

Dr. James Austin, the projections consultant under contract with CSG, was tasked by the justice reinvestment working group to "certify" the projections used in this analysis. The base projection takes into account the recent expansion of the SAI program that is designed, in part, to reduce the expected length of stay for persons who complete the program. The SAI is currently scheduled to sunset on September 30, 2009. Should this program be terminated, the population projection would have to be adjusted to reflect this change from current policy. An alternate projection is provided in this report forecasting a spike in the prison population if SAI is not continued.

To learn more about the justice reinvestment strategy
in Michigan and other states, please visit:
www.justicereinvestment.org.

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The Justice Center is a national, nonpartisan organization that works with policymakers to develop data-driven, consensus-based strategies that increase public safety and strengthen communities. Assistance from the Justice Center is made possible in part through funding support provided by the Bureau of Justice Assistance, a component of the U.S. Department of Justice, and the Public Safety Performance Project of The Pew Charitable Trusts' Center on the States.



BJA Bureau of Justice Assistance

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To learn more about the Bureau of Justice Assistance, please visit: <http://www.ojp.usdoj.gov/BJA/>.



Research and analysis described in this report also have been funded by the Public Safety Performance Project of The Pew Charitable Trusts' Center on the States. Launched in 2006 as a project of the Pew Center on the States, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs.

To learn more about the Public Safety Performance Project, please visit: <http://www.pewpublicsafety.org/>.

Points of view, recommendations, or findings stated in this document are those of the authors and do not necessarily represent the official position or policies of the United States Department of Justice, The Pew Charitable Trusts, Council of State Governments Justice Center, or the Council of State Governments' members.

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Council of State Governments
Justice Center

100 Wall Street
20th Floor
New York, NY 10005
tel: 212-482-2320
fax: 212-482-2344

4630 Montgomery Avenue
Suite 650
Bethesda, MD 20814
tel: 301-760-2401
fax: 240-497-0568

504 W. 12th Street
Austin, TX 78701
tel: 512-482-8298
fax: 512-474-5011

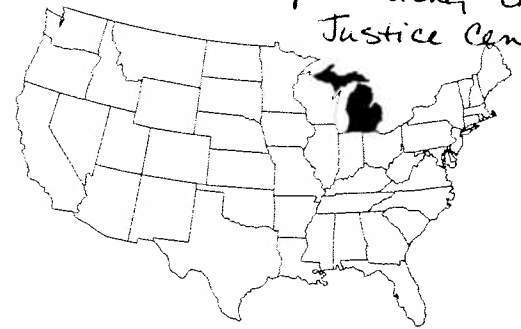
PROJECT CONTACT:
LaToya McBean
646-383-5721
lmcbear@csg.org

www.justicecenter.csg.org

JUSTICE REINVESTMENT IN MICHIGAN

**Analyses of Crime,
Community Corrections,
and Sentencing Policies**

*Submitted by LaToya McBean and
Marshall Clement representing the
Justice Center*



Governor Jennifer M. Granholm, Senate Majority Leader Michael D. Bishop, and Speaker of the House Andy Dillon requested intensive technical assistance from the Council of State Governments Justice Center (Justice Center) to help develop a statewide policy framework that reduces crime and victimization in Michigan, manages the growth in spending on corrections, and reinvests in targeted efforts to increase public safety in high-crime neighborhoods.

The governor and legislative leaders established a bipartisan, bicameral, and inter-branch working group to guide the Justice Center's efforts. This working group identified a cross-section of stakeholders and data sources for the Justice Center to consult in analyzing crime, community corrections, and sentencing policies in Michigan.

The Justice Center convened roundtable discussions and organized numerous interviews with representatives of county and local government and community-based organizations. The Justice Center also collected data from multiple sources to inform the analyses outlined in this brief, including the Michigan Department of Corrections, Michigan State Police, Prosecuting Attorney's Association of Michigan, Michigan Department of Education, Michigan Department of Labor and Economic Growth, and the Michigan Commission on Law Enforcement Standards.

This policy brief summarizes the findings of the Justice Center. These findings should provide the working group with a data-driven foundation upon which to review and consider policy options to increase public safety and reduce spending on corrections.

Summary

Policymakers in Michigan are interested in reducing the state's high rate of violent crime, rate of reoffending among probationers and parolees, and spending on corrections. The Justice Center's analyses of crime, community corrections, and sentencing policy identified the following key findings.

CRIME

- Violent crime is a problem in Michigan, and it is concentrated in particular communities.
- Homicide victims are disproportionately young, male, and African American.
- The certainty of apprehension for people committing violent crime in Michigan is low and appears to be declining.
- Backlogs at the state's crime lab delay criminal investigations and undermine the swift and certain apprehension of offenders.
- Michigan has the fewest local law enforcement personnel per capita among the states in the Great Lakes region, despite having the region's highest violent crime rate.
- Michigan has a large number of unemployed, disconnected youth, who are at particular risk of involvement in the criminal justice system.

COMMUNITY CORRECTIONS

- In Michigan, people convicted of felonies are more likely to be sentenced to county jail and/or probation than is the case in other states.
- People on probation and parole supervision account for a very small percentage of overall arrests in Michigan; among people under community supervision who are arrested for a crime, most are on probation (not parole).
- Probationers with high risk and need factors have high rearrest rates; this subset of probationers is in particular need of intensive supervision, health services, education, and other supports.
- People on community supervision in Michigan experience high rates of unemployment.
- Michigan's reincarceration and rearrest rates are lower than the national average.

SENTENCING POLICIES

- State spending on corrections has increased significantly in recent years, and, over this period, it has consumed a growing share of the overall state budget.
- Michigan's sentencing structure is unique among the states.
- The average minimum sentence imposed by Michigan judges for various violent crimes is comparable to the average length of incarceration for people nationally. Nevertheless, people sentenced to prison in Michigan for various violent crimes stay in prison considerably longer than is the case nationally.
- Many offenders are released from prison in Michigan without any supervision.

I. Crime

VIOLENT CRIME IS A PROBLEM IN MICHIGAN, AND IT IS CONCENTRATED IN PARTICULAR COMMUNITIES.

- Michigan's violent crime rate is the highest in the Great Lakes region.¹
- The violent crime rate in Michigan remained relatively unchanged from 2000–2007, while the national rate declined 8 percent.²
- Wayne and Saginaw counties accounted for the highest violent crime rates in the state in 2007.³

HOMICIDE VICTIMS ARE DISPROPORTIONATELY YOUNG, MALE, AND AFRICAN AMERICAN.

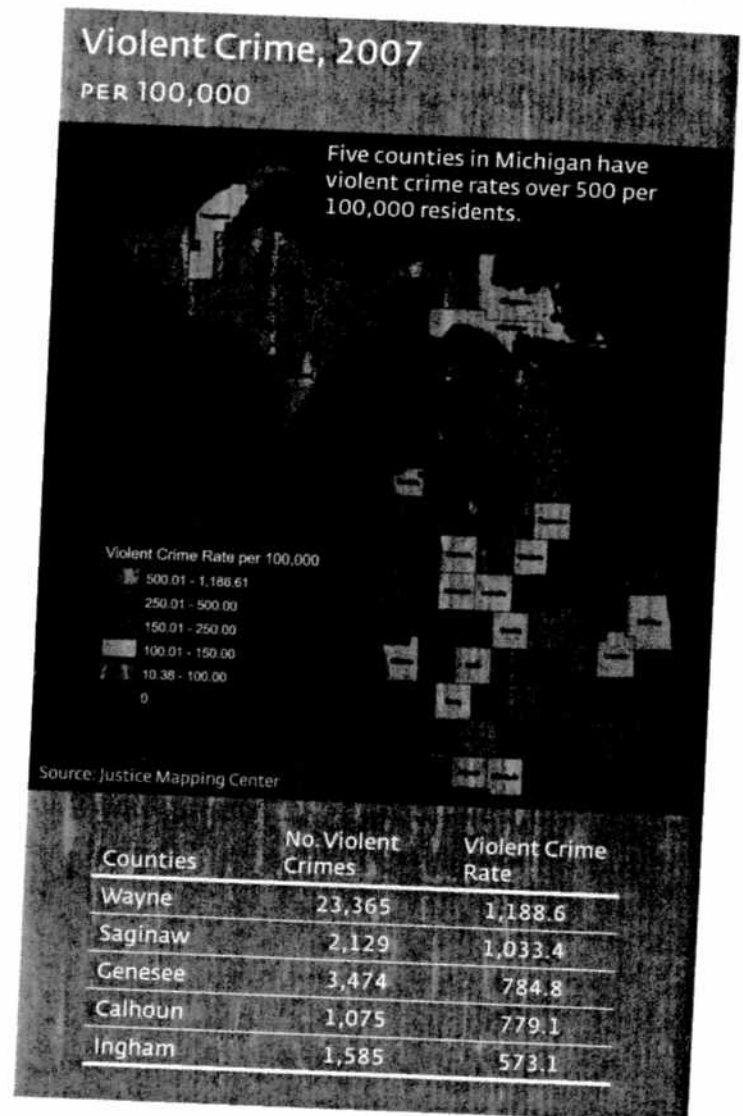
- Although people between the ages of 17 and 39 represent less than 30 percent of the population, they accounted for 57 percent of homicide victims in the same year.⁴
- Eighty percent of homicide victims were men.⁵
- Despite representing 14 percent of the state's population, African Americans accounted for 72 percent of homicide victims in 2006.⁶

THE CERTAINTY OF APPREHENSION FOR PEOPLE COMMITTING VIOLENT CRIME IN MICHIGAN IS LOW AND APPEARS TO BE DECLINING.

- In 2007, only 28 percent of violent index crimes in Michigan resulted in an arrest or were otherwise cleared, compared with the national average of 44 percent. Only 37 percent of murders were cleared in Michigan, compared with 61 percent nationally.⁷
- Between 2000 and 2007, arrests for violent crimes declined 22 percent, even though the number of violent crimes committed in Michigan declined by just 2 percent.⁸
- Although the certainty of apprehension remains low, once an individual in Michigan is arrested, the data suggest that there is a comparatively higher likelihood of being convicted and serving either a jail or prison sentence.⁹

BACKLOGS AT THE STATE'S CRIME LAB DELAY CRIMINAL INVESTIGATIONS AND UNDERMINE THE SWIFT AND CERTAIN APPREHENSION OF OFFENDERS.

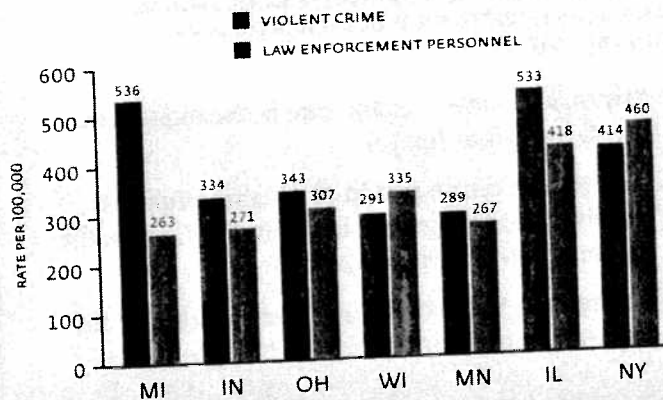
- The average delay for processing DNA and firearms samples between January and September 2008 was 135 and 101 days, respectively.¹⁰



- Law enforcement executives and jail administrators indicate that these delays can create additional costs at the local level by impeding investigations and court processes and, in some cases, causing individuals to be held longer in jail.
- The recent closure of the Detroit crime lab in fall of 2008 will exacerbate these already existing backlogs at the state labs.

MICHIGAN HAS THE FEWEST LOCAL LAW ENFORCEMENT PERSONNEL PER CAPITA AMONG THE STATES IN THE GREAT LAKES REGION, DESPITE HAVING THE REGION'S HIGHEST VIOLENT CRIME RATE.

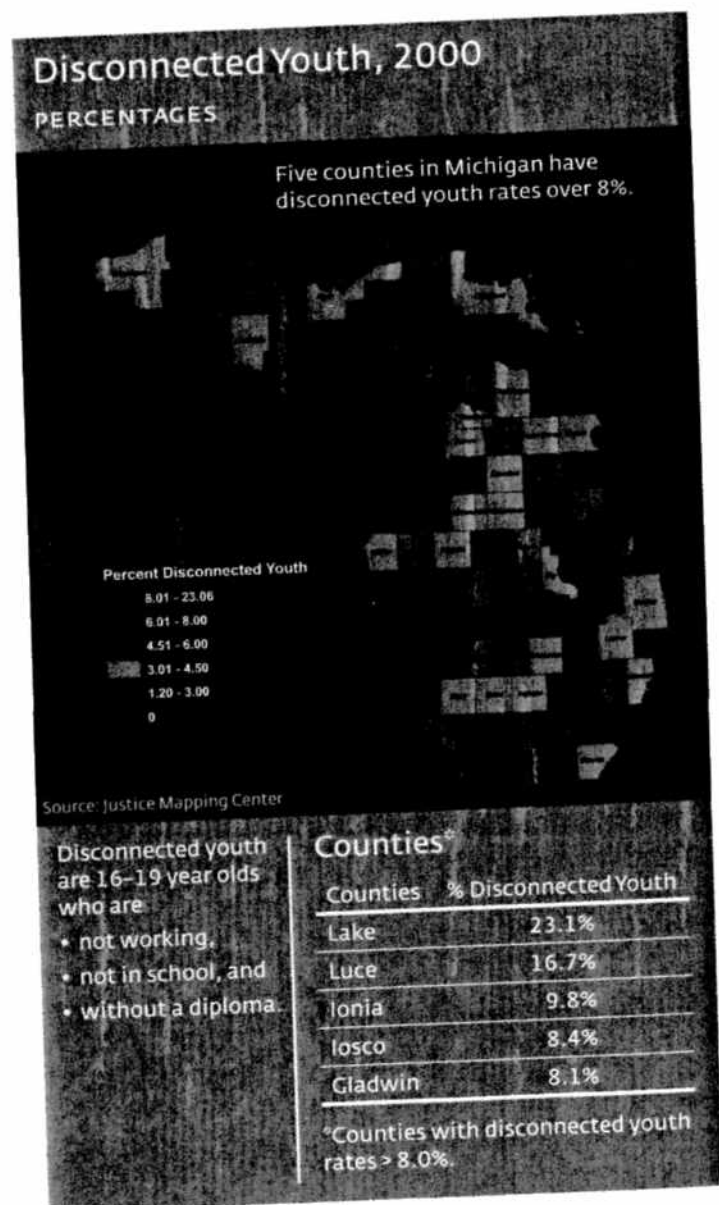
Violent Crime and Law Enforcement Personnel Per 100,000 in the Great Lakes States, 2007



- As local governments deal with decreasing revenues, they are balancing budgets in part by reducing the number of people working in sheriff's offices and local police departments.
- Although Wayne County (Detroit) has the highest crime rate in the state, the number of Detroit law enforcement personnel has declined by 31 percent since 2000, or 1,545 positions. During this time period, Detroit's resident population only declined by 4 percent.¹¹
- Likewise, Flint, Grand Rapids, and Lansing lost 14 percent, 13 percent, and 7 percent of their law enforcement personnel, respectively.¹²
- Since 2003, the number of assistant prosecuting attorneys and staff in offices across the state has declined 7 percent.¹³

MICHIGAN HAS A LARGE NUMBER OF UNEMPLOYED, DISCONNECTED YOUTH, WHO ARE AT PARTICULAR RISK OF INVOLVEMENT IN THE CRIMINAL JUSTICE SYSTEM.

- Across Michigan, more than 27,500 young adults between the ages of 16–19 are neither working nor attending school and do not have their high school diploma.¹⁴ In particular counties and neighborhoods across Michigan, the percentage of young adults fitting this description is more than 10 percent.
- Young men between the ages of 17 and 24 commit 26 percent of violent index crimes, despite comprising only 6 percent of the state's population.¹⁵

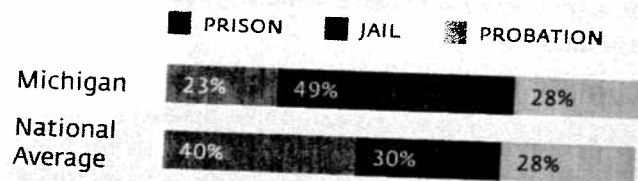


II. Community Corrections

IN MICHIGAN, PEOPLE CONVICTED OF FELONIES ARE MORE LIKELY TO BE SENTENCED TO COUNTY JAIL AND/OR PROBATION THAN IS THE CASE IN OTHER STATES.

- Twenty-three percent of felony convictions in Michigan result in a prison sentence, compared with 40 percent nationally. At the same time, roughly 70 percent of convicted felons receive a prison or jail sentence both nationally and in Michigan.¹⁶

Percent of Felony Convictions Resulting in Prison, Jail, or Probation Sentence: Michigan vs. National Average

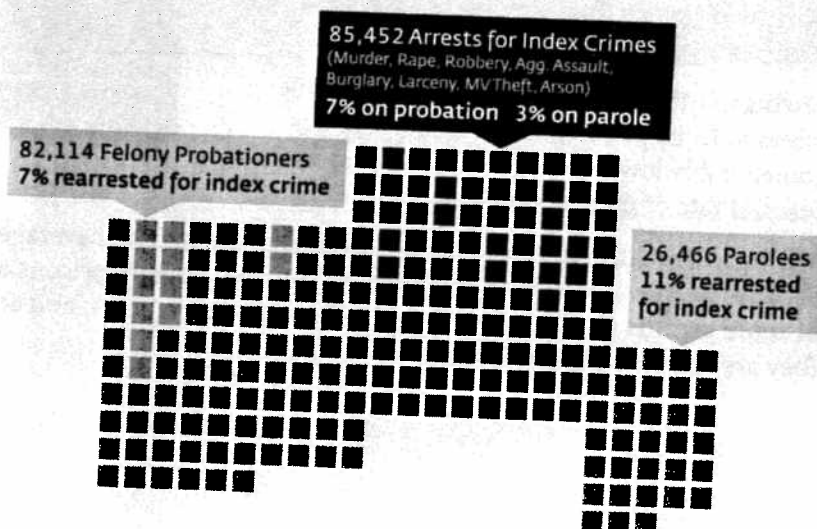


- There are approximately 53,000 felony probationers under the supervision of the Department of Corrections at any given time.¹⁷ In 2007, 7,352 probationers were revoked and returned to either jail or prison for violating the conditions of supervision, with 80 percent of these probationers receiving a jail sentence.¹⁸
- Prosecutors from across the state report that in many Michigan counties with overcrowded jail facilities, the court and probation officials are not likely to apply swift, short jail stays to sanction violation behavior among probation violators.

PEOPLE ON PROBATION AND PAROLE SUPERVISION ACCOUNT FOR A VERY SMALL PERCENTAGE OF OVERALL ARRESTS IN MICHIGAN; AMONG PEOPLE UNDER COMMUNITY SUPERVISION WHO ARE ARRESTED FOR A CRIME, MOST ARE ON PROBATION (NOT PAROLE).¹⁹

- The majority of people arrested for violent and property crimes in Michigan in 2007 were not on felony probation or parole at the time of their arrest. Of all arrests made in Michigan in 2007, only 9 percent involved offenders on parole or probation supervision.²⁰ This analysis was not able to review the past criminal history of those arrested who were not currently on supervision.
- In 2007, felony probationers accounted for 7 percent of all arrests for index offenses, and parolees accounted for 3 percent.²¹
- People on felony probation supervision in Michigan account for a significant percentage of violent crimes committed. In 2007, 15 percent of individuals arrested for murder and 14 percent arrested for rape were on probation at the time of their arrest.²²

Rearrests of People on Felony Probation and Parole, 2007



PROBATIONERS WITH HIGH RISK AND NEED FACTORS HAVE HIGH REARREST RATES; THIS SUBSET OF PROBATIONERS IS IN PARTICULAR NEED OF INTENSIVE SUPERVISION, HEALTH SERVICES, EDUCATION, AND OTHER SUPPORTS.

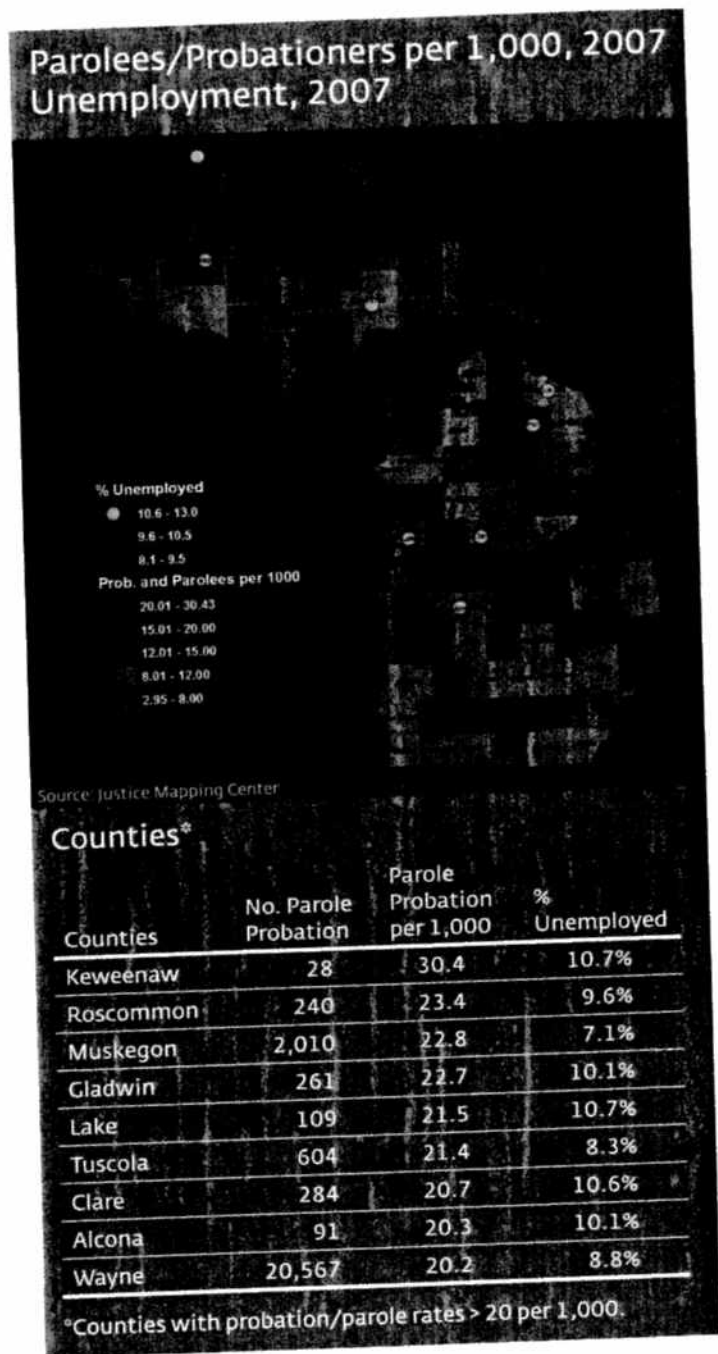
- Of the 29,214 people placed on felony probation in Michigan in 2007, 5,981 were identified as high-risk, based on a risk model developed by the Justice Center. Of this group, 39 percent were rearrested within one year of placement on supervision compared with 27 percent for all probationers.
- High risk probationers in Michigan are also in need of basic education, substance abuse treatment, and mental health services. Specifically, 83 percent demonstrated a need for substance abuse treatment, 21 percent had a known mental illness, and 42 percent had less than an 11th grade education.²³

PEOPLE ON COMMUNITY SUPERVISION IN MICHIGAN EXPERIENCE HIGH RATES OF UNEMPLOYMENT.

- Between 50 to 70 percent of people on parole are unemployed.²⁴
- Fifty percent of people on probation are unemployed.²⁵

MICHIGAN'S REINCARCERATION AND REARREST RATES ARE LOWER THAN THE NATIONAL AVERAGE.

- Michigan's three-year prison reincarceration rate of 33 percent is lower than the 40 percent national reincarceration rate published by the Bureau of Justice Statistics (BJS), which excludes both absconders and California data.²⁶
- Michigan's three-year rearrest rate for people released from prison is 52 percent, which is considerably lower than the BJS average national rearrest rate of 68 percent.²⁷
- Michigan's recidivism rates may be lower than the national averages, in part, because people admitted to and released from Michigan's prisons are convicted of more serious crimes, serve longer terms of incarceration, and are older when they are released from prison.



III. Sentencing Policies

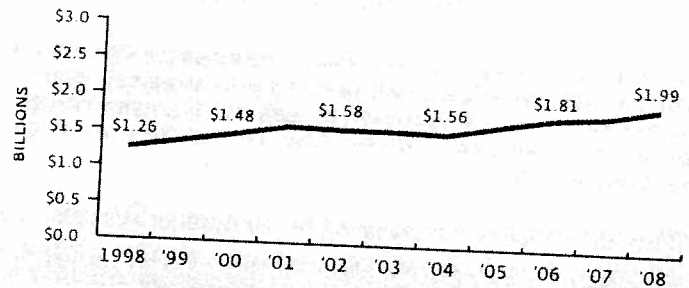
STATE SPENDING ON CORRECTIONS HAS INCREASED SIGNIFICANTLY IN RECENT YEARS, AND OVER THIS PERIOD, IT HAS CONSUMED A GROWING SHARE OF THE OVERALL STATE BUDGET.

- State general fund spending on corrections increased 57 percent from \$1.26 billion to \$1.99 billion between FY1998 and FY2008.²⁸
- In the past ten years, state spending on corrections increased from 16.2 percent of state general fund expenditures in FY1997 to 22.6 percent in FY2007.²⁹
- One out of every three state workers is employed by the Department of Corrections.³⁰

MICHIGAN'S SENTENCING STRUCTURE IS UNIQUE AMONG THE STATES.

- Michigan's sentencing structure requires nearly all felony offenders sentenced to prison to serve 100 percent of the minimum sentence imposed by the judge, which is based on the state's sentencing guidelines.
- Michigan judges do not impose a maximum sentence that is tailored to the specifics of the case, except in certain cases. Instead, maximum sentences are set by statute for each criminal offense.
- In Michigan, there is a wide range between the minimum and maximum sentence for most cases. For people admitted to prison in 2007, the average minimum sentence was 3.7 years while the average maximum sentence was 14 years.³¹
- The Michigan parole board reviews eligible cases for release and can decide not to release a person once they have served their minimum sentence. They can determine that the person should serve up to the

Michigan Department of Corrections
Budget, 1998-2008



Estimated Annual Prison Expenditures, 2007

Michigan taxpayers will pay over \$1.2 billion to imprison people sentenced in 2007. One third of the costs are accounted for by people sentenced to prison from Wayne County.

Prison Expenditure

\$100,000,000 - \$433,762,326
\$50,000,000 - \$100,000,000
\$25,000,000 - \$50,000,000
\$10,000,000 - \$25,000,000
\$76,923 - \$10,000,000
0

Source: Justice Mapping Center

Counties*

Counties	Prison Bed Years	Estimated Annual Expenditure	Counties	Prison Bed Years	Estimated Annual Expenditure
Wayne	14,458		Berrien	952	\$28,550,370
Oakland	3,402		Kalamazoo	917	\$27,513,579
Kent	3,301	\$99,040,635	Washtenaw	896	\$26,888,841
Macomb	2,068	\$62,050,791	Ingham	880	\$26,404,695
Genesee	2,064	\$61,932,159	Jackson	864	\$25,934,124
Muskegon	1,285	\$38,549,280	Calhoun	671	\$20,130,546
Saginaw	1,232	\$36,951,132	State total	41,331	\$1,239,926,997

*Counties with expenditures > \$20 million.

statutory maximum sentence, which is on average three times the length of the minimum sentence, before release.

- No other state provides the parole board such discretion in determining what the length of time served should be. In most states where the parole board has significant discretion, the judge sets the maximum sentence for an individual offender based on the specifics of the case.

THE AVERAGE MINIMUM SENTENCE IMPOSED BY MICHIGAN JUDGES FOR VARIOUS VIOLENT CRIMES IS COMPARABLE TO THE AVERAGE LENGTH OF INCARCERATION FOR PEOPLE NATIONALLY. NEVERTHELESS, PEOPLE SENTENCED TO PRISON IN MICHIGAN FOR VARIOUS VIOLENT CRIMES STAY IN PRISON CONSIDERABLY LONGER THAN IS THE CASE NATIONALLY.

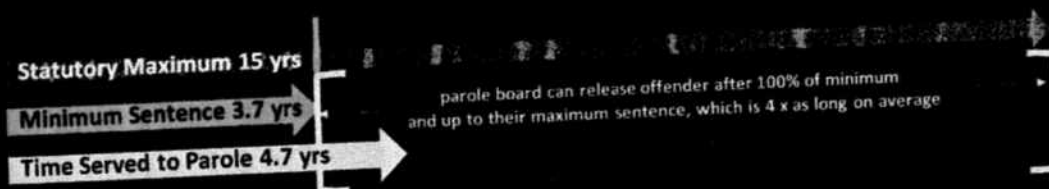
- The Justice Center compared the sentences for sexual assault and robbery in Michigan with national data because a similar percentage of those convicted for these crimes were sentenced to prison in Michigan and in the national data.
- In the case of robbery, Michigan prisoners spent 52 percent longer in prison than those nationally.

Michigan's Sentencing Structure and an Average Sentence

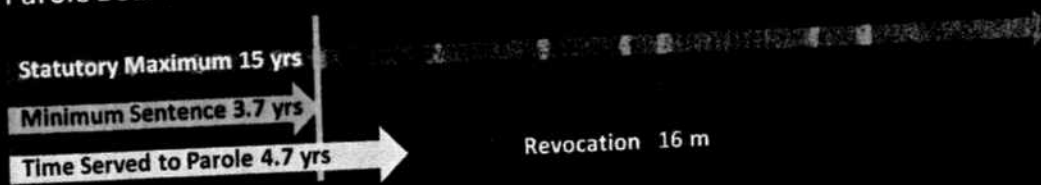
1. Judge Sentences Burglar Within Sentencing Guidelines to 3.7 years



2. Parole Board Releases Burglar After Serving 4.7 years or 127% of Minimum



3. Parole Board Returns Burglar to Prison for 16 months for Violations



- For sexual assault, Michigan prisoners spent 33 percent longer in prison. The data suggest that prisoners in Michigan, when compared to similar groups of criminals convicted of similar crimes, serve significantly longer terms of incarceration.
- The data do not suggest, however, that the sentencing guidelines or minimum sentences are the reason why prisoners in Michigan serve longer in prison. For robbery, the average minimum sentence in Michigan was 14 percent above the national average time served. For sexual assault, the average minimum sentence in Michigan was 23 percent lower than the national average time served.
- The overwhelming difference between the lengths of time served nationally and in Michigan appears to be attributed to the unique level of discretion available to the state's parole board. The average prisoner serves 127 percent of their minimum sentence imposed by the court before they are first paroled.

MANY OFFENDERS ARE RELEASED FROM PRISON IN MICHIGAN WITHOUT ANY POST-RELEASE SUPERVISION.

- More than 1,000 offenders were released in 2007 to no community supervision. These offenders have "maxed out" their term of imprisonment; they have served the maximum period of imprisonment allowed by statute.
- These offenders served an average of over 8 years in prison, and 200 percent of their minimum court imposed sentence.³²
- Of those who maxed out in 2007, 42 percent were incarcerated for violent offenses and 37 percent were for sex offenses.³³
- Without postrelease supervision it becomes more difficult to ensure a smooth transition to the community, which could potentially reduce this population's likelihood of committing new crimes.

Comparison of Prison Disposition Rates and Sentence Lengths for Robbery and Sexual Assault Prisoners in Michigan and National Data

Offense	Percent of convictions resulting in a prison sentence		Time served in prison (in months)		
	National (2004 court disposition data)	Michigan (2005 court disposition data)	National Average (2003 releases)	Michigan Average (2007 releases)	Michigan Average Minimum Sentence (2007 releases)
Robbery	72%	77%	64	97	73
Sexual Assault	61%	63%	79	105	61

Source: BJS National Judicial Reporting Program, 2004 Court Disposition Data & 2003 Release Data; 2005 MDOC Annual Report; 2007 MDOC Releases Data File.

Notes

1. U.S. Department of Justice, Federal Bureau of Investigation. *Crime in the United States, 2007* (September 2008).
2. Ibid. Federal Bureau of Investigation (2008).
3. Ibid.
4. Michigan State Police, Criminal Justice Information Center. *Crime in Michigan, 2006 Uniform Crime Report* (2007).
5. Ibid.
6. Ibid.
7. Ibid. Federal Bureau of Investigation (2008). (Within the UCR Program, law enforcement agencies can clear, or "close," offenses in one of two ways: by arrest or by exceptional means.)
8. Ibid, Federal Bureau of Investigation, 2008. This footnote applies only to violent index crimes (murder, rape, robbery, or aggravated assault).
9. The arrest and conviction/disposition data are not exactly comparable, since the arrest data includes violent index offenses and the conviction/disposition data includes all felony assaultive offenses. Consequently, comparing arrest to conviction data includes an unknown error rate.
10. Michigan State Police, Forensic Advantage Workload Summary by Section (1/1/2008 – 9/30/2008), provided to CSG via email communication.
11. U.S. Department of Justice, Federal Bureau of Investigation. *Crime in the United States* (2000). Ibid. Federal Bureau of Investigations (2008).
12. Ibid.
13. Chart titled, "Prosecution Personnel Increases After 5 Years of Steady Decline," provided to Justice Center from Prosecuting Attorney's Association of Michigan (PAAM).
14. U.S. Census Bureau, 2000 *Census of Population and Housing: "Armed Forces Status for Population 16 to 19 Years by School Enrollment by Educational Attainment by Employment Status"*, (November 2002).
15. Ibid. Michigan State Police, (2007).
16. Michigan Department of Corrections 2005 Statistical Report. Bureau of Justice Statistics, *Felony Sentences in State Courts, 2004*, (July 2007).
17. Council of State Governments Justice Center analysis of Michigan Department of Corrections data of people on probation in 2007.
18. CSG Request to Michigan Department of Corrections for analysis of 2007 court dispositions.
19. This study includes data for people who were currently on supervision and does not account for people who were previously under supervision.
20. Council of State Governments Justice Center, *Arrest of Offenders Under Supervision in Michigan in 2007*, (forthcoming in 2009).
21. Ibid. Index crimes include murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson.
22. Ibid.
23. Council of State Governments Justice Center analysis of Michigan Department of Corrections data of placements on to probation in 2007.
24. Michigan Department of Corrections, Response to request for data from CSG Justice Center, 2008.
25. Ibid, Michigan Department of Corrections, 2008.
26. Analysis of Michigan Department of Corrections data; Bureau of Justice Statistics, *Recidivism of Prisoners Released in 1994* (2002).
27. Ibid.
28. FY2009 & FY2010 Executive Budget, State of Michigan.
29. National Association of State Budget Officers, 1997 *State Expenditure Report*, National Association of State Budget Officers (Washington, D.C. National Association of State Budget Officers, 1998); National Association of State Budget Officers, 2006 *State Expenditure Report*, National Association of State Budget Officers (Washington, D.C.: National Association of State Budget Officers, 2007).
30. State of Michigan Civil Service Commission, *Annual Workforce Report: First Quarter, Fiscal Year 2007–08* (2007).
31. Justice Center analysis of 2007 Michigan Department of Corrections (MDOC) data (2008). Analysis excluded offenders with life sentences.
32. Justice Center analysis of MDOC 2007 release data.
33. Ibid.

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Council of State Governments
Justice Center

100 Wall Street
20th Floor
New York, NY 10005
tel: 212-482-2320
fax: 212-482-2344

4630 Montgomery Avenue
Suite 650
Bethesda, MD 20814
tel: 301-760-2401
fax: 240-497-0568

504 W. 12th Street
Austin, TX 78701
tel: 512-482-8298
fax: 512-474-5011

PROJECT CONTACT:
LaToya McBean
646-383-5721
lmcbear@csg.org

www.justicecenter.csg.org